



TOWN OF EASTHAM

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All Departments 508-240-5900
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MINUTES
EASTHAM BOARD OF HEALTH MEETING
THURSDAY, JULY 29, 2021 AT 3PM
EARLE MOUNTAIN ROOM AT TOWN HALL

Present: Jane Crowley, Dr. Joanna Buffington (Chair), Wendy Walsh, Karen Chimwaza
Present remotely: Adele Blong, Catherine Mondon

I. NOTIFICATION OF VIDEO/AUDIO RECORDING

II. OPENING STATEMENTS

Mrs. Crowley provided an update on the surge of COVID-19, particularly the delta variant, in Barnstable County.

III. PUBLIC HEARING ON BOARD OF HEALTH REGULATIONS SECTION XIV: ANIMAL REGULATIONS.

Under the authority of Massachusetts General Laws, Chapter 111, Section 31 the Eastham Board of Health will hold a public hearing on Thursday, July 29, 2021 at 3PM in the Earle Mountain Room of Town Hall, 2500 State Highway, Eastham, MA 02642 to discuss proposed keeping of non-commercial farm animals regulations to be added to the Eastham Board of Health regulations as Section XIV: Animal Regulations.

Dr. Buffington opened the public hearing with a summary of how the regulations were developed.

Dr. Buffington proposed amending the draft regulations by adding "and neighborhoods with restrictive covenants" to the applicability section. It was decided not to amend this section as neighborhood covenants are covered in a later section.

Dr. Buffington also proposed changing the number of chickens/ducks allowed to "less than 4" to be consistent with a neighboring town and avoid any potential issues arising with chickens, such as rats. The change was made in section D. Permits and Applications Requirements.

Joanne Verlinden, owner of 60 Bay View Rd and member of the Animal Task Force, questioned why there was no maximum number of animals in the regulation. The regulation calls for the Animal Control Officer, Health Agent, or any other Agent authorized by the Town to determine the maximum number of animals based on each application.

Ron Sassi, owner of 5 Barquentine Court, spoke of an issue with rats he believes to be caused by the neighbor's chickens. Mr. Sassi also read a letter to the Board into the record.

Arthur Autorino, owner of 385 Shurtleff Rd, asked if animals will be allowed in conservation areas. The Conservation Commission will need to approve any applications for animals in conservation areas.

Ms. Blong moved to adopt the regulation as amended.
Ms. Mondon seconded the motion.

Approved 4-0

8/26/21
Joanne Verlinden

A discussion of the roll out and fee structure of the permits occurred. The permit applications will be available on the Health Department website on October 1, 2021. Fees will be waived for the 2022 calendar year, after which the Select Board will determine the fee.

Dr. Buffington moved to add the effective date of January 1, 2022 to section D1: Permits and Application Requirements.

Ms. Blong seconded the motion.

Approved 4-0

IV. PUBLIC HEARING ON RENTAL VIOLATIONS

1. Klimczak (managed by Del Mar Vacations Rentals) 55 Sand Dollar Ln M10 P22

Marie Klimczak, owner of 55 Sand Dollar Ln, was present for the meeting. The violation of advertising for more than the occupancy allowed was discussed.

Dr. Buffington moved to not fine the homeowner due to the property was advertised as available for more guests, but no violations were known to have occurred.

Ms. Mondon seconded the motion.

Approved 4-0

V. VARIANCES

2. Richard & Joyce Adams 240 Pierce Rd M4 P527

David Lajoie of FELCO Inc presented a plan to upgrade the existing cesspool as part of a project to demolish and reconstruct a two bedroom dwelling. The proposed septic system includes a 1500 gallon septic tank with a MicroFAST 0.5 treatment unit, distribution box, and (2) 6' x 1.5' leaching pits with stone 0.5' under and 3' around. The following variances were applied for:

1. 310 CMR 15.211 – 28' from well (locus) to leach area
2. 310 CMR 15.211 – 23' from well (Pcl. 526) to leach area
3. 310 CMR 15.211 – 16' from well (Pcl 530) to leach area
4. 310 CMR 15.211 – 9' from well (Pcl. 537) to leach area
5. 310 CMR 15.211 – 2' from leach area to lot line (Pcl 530)
6. 310 CMR 15.211 – 4' from leach area to lot line (street)

Mary Ann Makar, owner of 220 Pierece Rd, expressed concern about the proximity of the new leach area to her well. She asked about the recourse if her drinking water quality decreased. Mr. Lajoie explained how the MicroFAST unit functioned and how it would be a great improvement over the current cesspool. He also noted the existing cesspool and the new leaching area are the same distance from her well.

Ms. Mondon moved to approve with the following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Secondary treatment and monitoring under general use approval conditions per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen,

BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.

3. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Barnstable County Health Data Base provided through or directly to the Eastham Health Department if not available.
4. Deed restriction for 2 Bedroom use and use alternative technology requirement to be recorded on deed.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance
6. Connection of municipal water be provided.

Ms. Blong seconded the motion.

Approved 3-0-1 (Ms. Walsh abstained)

VI. REVIEWS

3. Gloria Moll

2555 State Hwy

M15 P11

Jason Ellis of JC Ellis Design presented a plan to upgrade the existing septic system on a commercial property with a seven bedroom hotel. The proposed septic system includes a 2500 gallon septic tank, 1000 gallon septic tank with an Advantex AX20, proposed pump chamber, and a 28' x 12.83' x 2' pressure dosed soil absorption system. Secondary treatment is required because the property is commercial.

Ms. Blong moved to approve with the following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Secondary treatment and monitoring under remedial use approval conditions per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
3. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Barnstable County Health Data Base provided through or directly to the Eastham Health Department if not available.
4. Deed restriction for 7 Bedroom use and use alternative technology requirement to be recorded on deed.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance
6. Connection of municipal water be provided

Ms. Mondon seconded the motion.

Approved 3-0-1 (Ms. Walsh abstained)

4. David Demuth

2300 Herring Brook Rd M10 P100

Jason Ellis of JC Ellis Design presented a plan to upgrade the septic system on an 15, 989 sq. ft. environmentally sensitive lot. The proposed system includes 1500 gallon septic tank with Advantex AX20 treatment unit, pump station, distribution box, and 21' x 9' x 2' soil absorption system.

Ms. Mondon moved to approve with the following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Secondary treatment and monitoring under remedial use approval conditions per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
3. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Barnstable County Health Data Base provided through or directly to the Eastham Health Department if not available.
4. Deed restriction for 2 Bedroom use and use alternative technology requirement to be recorded on deed.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance
6. Connection of municipal water be provided.

Ms. Blong seconded the motion.

Approved 4-0

5. David DelGizzi

645 State Hwy

M21 P10B

Jason Ellis of JC Ellis Design presented a plan to upgrade the cesspools on an 42,586 sq. ft. environmentally sensitive lot. The proposed system includes 1500 gallon septic tank with Advantex AX20 treatment unit, pump station, distribution box, and 33' x 12.83' x 2' soil absorption system.

A discussion on the number of bedrooms occurred. The field card states a two bedroom dwelling, the plan was submitted for four bedrooms. There is sufficient lot size for a four bedroom septic system. A walk through inspection will need to be conducted before a septic permit can be issued.

Dr. Buffington moved to approve with the following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Secondary treatment and monitoring under general use approval conditions per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
3. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Barnstable County Health Data Base provided through or directly to the Eastham Health Department if not available.
4. Deed restriction for 4 Bedroom use and use alternative technology requirement to be recorded on deed.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance
6. Existing well to be tested for routine parameters.
7. Walk through inspection due to bedroom inconsistency to be conducted before septic permit is issued.

Ms. Blong seconded the motion.

Approved 4-0

6. Chris DeSisto

1 Sibley Way

M18 P511

Tim Brady of East Cape Engineering presented a plan to use the existing two bedroom septic system on a 26,812 sq ft environmentally sensitive vacant lot to construct a single family residence. The existing system has a 1500 gallon septic tank, distribution box and 25' x 12' x 2' soil absorption system.

The need for I/A treatment was discussed. Mr. Brady requested if the Board of Health required I/A treatment that the property be approved for three bedrooms.

The floor plan of the proposed dwelling was discussed. From the floor plan, the room on the third floor appears to meet the definition of a bedroom. Mr. DeSisto stated the intended use of the space was not a bedroom, but access to a communal deck. Access to a deck does not make the attached room a walk through room.

Dr. Buffington moved to approve the building project with the following conditions:

1. No increase in design flow be allowed. Any increase in habitable square footage would require Board of Health review and abutter notification.
2. Secondary treatment and monitoring to be added to the design under general use approval conditions per DEP regulations including testing quarterly (or 2 times per year for seasonal use) for total nitrogen, BOD, TSS, Nitrate-nitrogen not to exceed 19 mg/l. After 2 year period of time reduction of testing could be requested to BOH by owner.
3. Operation and maintenance agreement to be submitted to EBOH. Operation and maintenance agreement to be required for life of the system. Operator to report results via Barnstable County Health Data Base provided through or directly to the Eastham Health Department if not available.
4. Deed restriction for 3 Bedroom use and use alternative technology requirement to be recorded on deed.
5. Designer to verify proper operation of the system prior to issuance of Certificate of Compliance
6. Existing well to be tested for routine parameters.
7. Design plan with I/A treatment and three bedroom use to be submitted to the Health Agent for approval.

Ms. Blong seconded the motion.

Approved 4-0

7. Frederick Gabriel

35 Mayflower Rd

M7 P204

Mr. Gabriel presented his request that a room above the garage not be considered a bedroom and allow a four bedroom septic system to be installed. A discussion of the building history of the property occurred. Potential ways to remove a bedroom were discussed.

Ms. Blong moved to approve with the following conditions:

1. Removal of one bedroom in the dwelling.
2. Deed restriction for 4 bedroom use to be recorded on the deed.
3. No increase in design flow be allowed.
4. Any increase in habitable square footage require BOH review and abutter notification.

Ms. Mondon seconded the motion.

Approved 4-0

VII. OTHER BUSINESS - VOTE MAY BE TAKEN

The state changed their tobacco regulations and the changes are more stringent than the current Eastham regulations. The Board will need to amend their tobacco regulations to equal to or more stringent than the state regulations. Further discussion will take place at next month's meeting.

VIII. MINUTES - VOTE MAY BE TAKEN

Ms. Mondon moved to approve with amendments.
Ms. Blong seconded the motion.

Approved 3-0

IX. ADJOURNMENT

Ms. Mondon moved to adjourn.
Ms. Blong seconded the motion.

Approved 3-0